

# COMMERCIAL FISHING

## Emergency Order

ALASKA DEPARTMENT OF  
FISH & GAME

Under Authority of AS 16.05.060

Emergency Order No. 2-F-H-001-13

Issued at: Homer

Date: 2:00 P.M. Wed., May 1, 2013

Effective Date: 6:00 A.M. Thursday, May 2, 2013

Expiration Date: December 31, 2013  
unless superseded by subsequent  
emergency order.

**EXPLANATION:** Currently in regulation there are 14 areas listed in 5AAC 21.350(d-g) Closed waters, that are specific to Lower Cook Inlet.

These are,

- |                           |   |
|---------------------------|---|
| 1) Mud Bay,               | 8) Cottonwood Bay, (portions)             |
| 2) Sadie Cove (south),    | 9) Port Chatham, (portions)               |
| 3) Tutka Bay (southeast), | 10) Windy Bay, (portions)                 |
| 4) Jakolof Bay (south),   | 11) Taylor Bay, (portions)                |
| 5) Seldovia Bay (south),  | 12) Tacoma Cove-Sunday Harbor, (portions) |
| 6) Port Graham (south),   | 13) Resurrection Bay. (portions) and      |
| 7) Northshore District,   | 14) Aialik Fjord (north).                 |

The department has also specified 13 additional areas as closed to commercial harvest. These are identified in maps that are produced by the Homer ADF&G office. Some of the closed areas on these maps are identified by regulatory markers. These areas are NOT currently defined in regulation.

They are,

- |  |                                      |
|--|--------------------------------------|
| 15) Chenik Lagoon,                           | 22) Port Dick- Head Creek,           |
| 16) Iniskin Bay- Sugarloaf Creek, (portions) | 23) Port Dick - Middle Creek,        |
| 17) Iniskin Bay- Right Arm, (portions)       | 24) Port Dick- Island Creek,         |
| 18) Ursus Cove, (portions)                   | 25) McCarty Fjord (north),           |
| 19) Dogfish (Koyuktolik) Bay, (lagoon)       | 26) McCarty and Delight lagoons, and |
| 20) Chugach Bay, (portions)                  | 27) Desire Lake creek.               |
| 21) Rocky Bay, (portions)                    |                                      |

Also, the department has identified 4 areas currently in regulation where either there are no precise latitude and longitude coordinates in regulation, or there is a typographic error in position or place name.

These are,

- 28) China Poot Bay (no latitude/longitude reference),
- 29) Jakolof Bay (place name misspelled),
- 30) Cottonwood Bay (errant longitude), and
- 31) Resurrection Bay (no latitude/longitude reference).

Also, 5AAC 21.350(i) neglects to reference 5AAC 39.290 which further describes closed waters. Additionally, the current Closed Waters section for Lower Cook Inlet districts makes reference on eleven occasions to ADF&G Regulatory Markers that have not been recently inspected or maintained by ADF&G.

**REGULATORY TEXT:** Consistent with the provisions of **AAC 21.350 Closed waters** the following provisions are effective:

**5 AAC 21.350. Closed waters.**

(a) Salmon may not be taken in any of the waters listed in this section.

(d) Southern District

(1) northeast of a line from a point at 59° 44.43' N. lat., 151° 02.80' W. long., to a point on the shore one-half statute mile southwest of the terminus of Swift Creek at 59° 47.15' N. lat., 151° 05.45' W. long.;

(2) waters of China Poot Bay south and east of a line beneath the Homer Electric Association power line from a point on the north shore of the north arm of China Poot Bay at 59° 33.92' N. lat., 151° 15.42' W. long., to a point on the peninsula between the north and south arm of China Poot Bay at 59° 33.47' N. lat., 151° 15.71' W. long., to a point on the south shore of the south arm of China Poot Bay at 59° 33.21' N. lat., 151° 16.46' W. long.;

(3) waters of Sadie Cove south of 59° 30.00' N. lat.;

(4) waters of Tutka Bay southeast of 59° 25.50' N. lat.;

(5) waters of Jakolof Bay south of 59° 28.07' N. lat.;

(6) waters of Seldovia Bay south of a line from 59° 25.09' N. lat., 151° 42.57' W. long., to 59° 24.84' N. lat., 151° 43.06' W. long.;

(7) waters of Port Graham Bay south of 59° 20.44' N. lat.;

(8) Northshore Subdistrict.

(e) Kamishak Bay District

(1) waters of Cottonwood Bay west of a line from 59° 38.39' N. lat., 153° 39.41' W. long., to 59° 37.68' N. lat., 153° 39.51' W. long.;

(2) Waters of Chenik Lagoon south and west of 59° 13.42' N. lat., 154° 07.32' W. long.;

(3) Waters of Iniskin Bay north of a line from 59° 46.05' N. lat., 153° 27.82' W. long., to 59° 46.69' N. lat., 153° 26.01' W. long.;

(4) Waters of Right Arm in Iniskin Bay east of a line from 59° 43.93' N. lat., 153° 22.83' W. long., To 59° 42.90' N. lat., 153° 22.86' W. long.;

(5) Waters of Ursus Cove west of a line from 59° 32.43' N. lat., 153° 46.06' W. long., to 59° 31.20' N. lat., 153° 45.74' W. long.;

(f) Outer District

(1) waters of Port Chatham east of a line from 59° 13.32' N. lat., 151° 43.41' W. long., to 59° 12.59' N. lat., 151° 43.55' W. long.;

(2) waters of Windy Bay west of 151° 32.85' W. long.;

(3) waters of Taylor Bay north of 59° 18.00' N. lat.;

(4) waters of Tacoma Cove and Sunday Harbor east of 151° 01.15' W. long.;

(5) waters of Koyuktolik (Dogfish Bay) east of a line from 59° 14.45' N. lat., 151° 52.72' W. long., to 59° 14.25' N. lat., 151° 52.90' W. long.;

(6) waters of Chugach Bay west of a line from 59° 11.36' N. lat., 151° 37.57' W. long., to 59° 11.03' N. lat., 151° 37.25' W. long.;

(7) waters of Rocky Bay inshore of a line from 59° 14.92' N. lat., 151° 23.82' W. long., to 59° 14.72' N. lat., 151° 23.32' W. long.;

(8) waters of Port Dick west of a line from 59° 18.16' N. lat., 151° 17.33' W. long., to 59° 18.60' N. lat., 151° 17.10' W. long.;

(9) waters of Middle Creek north of a line from 59° 18.18' N. lat., 151° 12.13' W. long., to 59° 18.08' N. lat., 151° 13.13' W. long.;

(10) waters of Island Creek inshore of a line from 59° 17.09' N. lat., 151° 08.78' W. long., to 59° 17.11' N. lat., 151° 08.30' W. long. and inshore of a line from 59° 17.04' N. lat., 151° 08.06' W. long., to 59° 16.88' N. lat., 151° 07.15' W. long., and including the waters northwest of the island between these two lines;

(11) waters of McCarty Fjord north of a line from 59° 37.52' N. lat., 150° 19.18' W. long., to 59° 37.03' N. lat., 150° 17.01' W. long.;

(12) waters of the East Nuka Subdistrict east of a line from a point north of the entrance to McCarty Lagoon at 59° 32.76' N. lat., by 150° 20.20' W. long. to a point offshore of the entrance of McCarty Lagoon at 59° 32.45' N. lat., by 150° 21.00' W. long., to a point south of the entrance of McCarty Lagoon at 59° 31.90' N. lat., by 150° 21.00' W. long.;

(13) waters of the East Nuka Subdistrict east of a line from a point north of the entrance to Desire Lake creek at 59° 35.02' N. lat., by 150° 17.86' W. long. to a point south of the entrance to Desire Lake creek at 59° 34.68' N. lat., by 150° 17.95' W. long.,

(g) Eastern District

(1) waters of Resurrection Bay west of a line from a point near the old military dock pilings on the west shore of Resurrection Bay north of Caines Head at 60° 00.48' N. lat., 149° 24.20' W. long., to a point near the Seward Airport at 60° 07.49' N. lat., 149° 24.72' W. long.;

(2) king and coho salmon may not be taken in waters of Resurrection Bay north of a line from Cape Resurrection (59° 52.00' N. lat., 149° 16.71' W. long. ) to Aialik Cape (59° 42.39' N. lat., 149° 31.29' W. long.);

(3) waters of Aialik Bay north of 59° 53.47' N. lat.

(h) In any bay, estuary, slough, or lagoon less than 300 feet in width at mean low tide.

(i) In all other streams or rivers within 500 yards of the terminus or as specified in 5AAC 39.290.

Cora Campbell  
Commissioner

By Delegation to: \_\_\_\_\_  
Glenn Hollowell  
Area Management Biologist

**JUSTIFICATION:** Increasing widespread use of personal Global Positioning System receivers by commercial permit holders over the last 20 years have allowed precise determination of latitude and longitude positions while fishing. This, combined with increased costs of regulatory marker maintenance, has resulted in the department electing to reduce its regulatory marker program. For over a decade, the Homer ADF&G office has been providing map packets to the commercial fishing fleet. These maps show both CLOSED WATERS as defined in 5AAC 21.350 and additional Closed Water areas as defined by historical regulatory markers. Many of these historic markers are missing or in a state of disrepair. Establishing the locations of the points that define closed waters in regulation as latitude and longitude coordinates via Emergency Order will establish specific definitions. These definitions can then be used by stake holders as well as various state agencies involved in Lower Cook Inlet commercial salmon fisheries.

**DISTRIBUTION:** This emergency order was distributed to those individuals and organizations maintained on a list in the ADF&G Homer Area office, 3298 Douglas Place, Homer, Alaska.

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